

Article 2: Traffic Movement and Control

Division 0:

§82.01 Authority to Install Traffic Control Devices

- (a) The City Manager shall place and maintain or cause to be placed and maintained official traffic control devices when and as required to make effective the provisions of this chapter.
- (b) Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic control devices be installed to give notice to the public of the application of such law the City Manager is hereby authorized to install the necessary devices subject to any limitations for restrictions set forth in the law applicable thereto.
- (c) The City Manager may also place and maintain such additional traffic control devices as he may deem necessary or proper to regulate traffic or to guide or warn traffic, but he shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations, and rules as may be set forth in this chapter or as may be determined by ordinance or resolution of the Council.

(Amended 4-10-1956 by O-6936 N.S.)

§82.02 Traffic Control Signs Required for Enforcement Purposes

No provision of the Vehicle Code or of this chapter for which signs are required shall be enforced against an alleged violator unless appropriate signs are in place and are sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws.

(Amended 4-10-1956 by O-6936 N.S.)

§82.03 Installation of Traffic Signals

- (a) The City Manager is hereby directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

- (b) The City Manager shall ascertain and determine the locations where such signals are required by field investigation, traffic counts and other traffic information as may be pertinent and his determinations therefrom shall be made in accordance with traffic engineering and safety standards.
- (c) Whenever the City Manager installs and maintains an Official Traffic Signal at any intersection, he shall likewise erect and maintain at such intersections street name signs except where signs have previously been placed.
(Amended 4-10-1956 by O-6936 N.S.)

§82.04 Parking Meter Zones — Authority

The Council of the City of San Diego, on the recommendation of the City Manager, shall by ordinance from time to time as traffic conditions require, establish zones to be known as “Parking Meter Zones,” upon such streets or portions of streets of the City of San Diego as are selected for the location of said parking meter zones; and the City Manager shall cause parking meters to be installed and shall cause parking meter spaces to be designated, as hereinafter provided. The Council, on recommendation of the City Manager, may change or eliminate any of said zones.
(Incorp. 1-22-1952 by O-5046 N.S.)
(Amended 4-1-2011 by O-20033 N.S.; effective 5-1-2011.)

§82.05 Parking Meters — Installation

The City Manager is hereby authorized to install or place parking meters in such parking meter zones provided for herein, or to be provided hereafter; and the City Manager is hereby directed to maintain said meters in good workable condition.
(Incorp. 1-22-1952 by O-5046 N.S.)

§82.06 Parking Meters — Installation and Operation

Where the Council of the City of San Diego creates a parking meter zone, the installation and operation of parking meters shall be as follows:

- (a) Single-space parking meters installed in parking meter zones established as provided in Section 82.04 shall be placed upon the curb immediately adjacent to individual parking spaces. Each single-space parking meter shall be placed or set in such manner as to display whether the parking space adjacent to that meter is legally in use or not. Upon the deposit of coins or the purchase of time using an approved method of payment, each single-space parking meter shall be set to display a sign indicating legal parking and shall continue to operate for that period of time not exceeding the limit of parking time which has been established for that area or zone. Upon the expiration of legal parking time, each single-space parking meter shall indicate by proper signal that the lawful parking period has expired.

- (b) Multi-space parking meters installed in parking meter zones established as provided in Section 82.04 shall be placed upon the curb immediately within the parking meter zone(s) or portions thereof to which they apply.-
- (c) Upon the purchase of time using an approved method of payment, a multi-space parking meter shall either produce a receipt to be used by the parking user as proof of valid parking as described in section 86.14, or electronically record the expiration of the time purchased for an individual parking space entered by the parking user, which may be checked for enforcement or other purposes. A receipt produced by a multi-space parking meter shall be displayed by the parking user in a fully visible and conspicuous location as instructed on the receipt, in order to be valid or otherwise considered effective. A vehicle is lawfully parked in a parking meter zone if:
 - (1) the vehicle displays a receipt which is legible to an enforcement officer, evidencing purchase of parking meter time at the posted parking rate and within the maximum time limit at the multi-space parking meter located immediately adjacent to the parking meter zone where the vehicle is parked. The receipt, shall indicate the expiration of parking time, which shall be the equivalent of an expiration time indicated by the parking meter; or
 - (2) the vehicle is parked in a designated parking space which has a multi-space parking meter that does not produce a receipt for display, but which indicates a valid parking time.
- (d) Notwithstanding sections 82.06 (a) through 82.06 (c), 86.11, 86.14, and 86.15, a vehicle is lawfully parked in a parking meter zone if it displays a card or electronic device that is legible to an enforcement officer and which has been approved by the City Manager as an alternative method of parking meter payment. The card or electronic device shall indicate the expiration of parking time in accordance with the posted parking rate and within the maximum time limit specified for that parking meter zone.

(Amended 6-24-1996 by O-18316 N.S.)

(Retitled from "Parking Meters — Operation" to "Parking Meters — Installation and Operation" and amended 4-1-2011 by O-20033 N.S.; effective 5-1-2011.)

§82.07 Parking Violations

(a) Enforcement

Every police officer or non-sworn employee charged with the enforcement of the provisions of Chapter VIII of this Code relating to illegal parking, the provisions of the California Vehicle Code, and the other laws of the State of California applicable to parking violations within the City of San Diego, shall have the duty, when any vehicle is illegally parked, to issue a written notice of violation thereof stating the State vehicle license number, make of such vehicle, the time and date of such illegal parking, meter number, street location, and a reference to the appropriate section of the Code and fixing a time and place for appearance by the registered owner to answer said notice. Such notice shall be attached to said vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle as to be easily observed by the person in charge of such vehicle upon his return thereto.

(b) Fees

For the purpose of regulating the use of streets and traffic thereon as a deterrent to illegal parking, and to recover administrative costs, parking violation fees shall be established by the Municipal Court judges pursuant to California Penal Code section 1269b(d).

The owner or operator may mail such payments to the City Treasurer within the time established therefore, but shall be responsible for delivery thereof to the Office of the City Treasurer.

(c) Failure to Pay

Failure to pay the appropriate fee as provided herein or failure to request a court appearance date to contest the violation will result in legal proceedings being instituted in the Municipal Court of the San Diego Judicial District against the registered owner for violation of the appropriate Code section in accordance with the provisions of section 41102 of the Vehicle Code of the State of California.

(Amended 3-18-1991 by O-17615 N.S.)

§82.08 Parking Meters — Use of Funds

The parking meter funds generated from the purchase of parking meter time, as provided herein, are levied and assessed as fees to provide for the proper regulation, management, and control of traffic upon the public streets, and to cover the cost of supervision, inspection, installation, operation, maintenance, control and use of the parking spaces and parking meters described herein, and also the cost of supervising, managing, and regulating the parking of vehicles in the parking meter zones created hereby.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-2117 N.S., adopted 4-22-1941.)

(Amended 4-1-2011 by O-20033 N.S.; effective 5-1-2011.)

§82.09 Parking Meters — Collections — Accounting for Money

- (a) The City Manager is authorized, to designate a person or persons to make regular collections of the money deposited in said parking meters. The person or persons so designated shall collect and deliver to the Treasurer of the City of San Diego all money deposited in the parking meters; the Treasurer shall keep accurate account of all the parking meter money so delivered to him and any parking meter funds generated through other methods of payment.
- (b) Money deposited in the parking meters and any parking meter funds generated through other methods of payment may be expended to meet the costs and expenditures involved in the inspection, repair, regulation, installation, operation, control and use of the parking spaces and parking meters described herein, and the costs involved in the regulation, management, and control of the parking of vehicles and the control of traffic, which may affect or be affected by the parking of vehicles in the parking meter zones created hereby, including the purchase, replacement, installation, repair, servicing and operation of mechanical or electrical traffic signals for the direction of said traffic or said parking, and the cost of painting streets, curbs and sidewalks with appropriate markings, lines and signs, and the purchase, construction, erection, repair and replacement of street and curb signs for the direction of said traffic or said parking, and for the cost of patrolling said parking meter zones and enforcing therein all traffic laws and regulations concerning the parking of vehicles and the movement of traffic which may affect or be affected by such parking of vehicles, or for any of said purposes.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-3167 N.S., adopted 4-16-1946.)

(Amended 4-1-2011 by O-20033 N.S.; effective 5-1-2011.)

§82.10 Lane Marking

The City Manager is hereby authorized to mark center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway.
(Amended 4-10-1956 by O-6936 N.S.)

§82.11 Authority to Remove, Relocate and Discontinue Traffic Control Devices

The City Manager is hereby authorized to remove, relocate or discontinue the operation of any traffic control device not specifically required by the Vehicle Code or this chapter whenever he shall determine in any particular case that the conditions which warranted or required the installation no longer exist.
(“Authority to Remove, Relocate and Discontinue Traffic Control Devices” added 4-10-1956 by O-6936 N.S.)

§82.12 Temporary Removal of Traffic Control Devices or Other Facilities — Suspension of Regulations

Whenever, because of the construction, alteration, repair, or improvement of any street or highway, or because of other emergency, compliance with any of the provisions of this Chapter, including provisions adopted pursuant to authorization contained in this Chapter, will create a traffic hazard and the City Manager so finds, he will either remove or cover up or cause to be removed or covered up any traffic control device setting forth such provisions. While the Traffic Control device is removed or covered the effect of such provision is suspended. At the end of the emergency, the City Manager shall replace or uncover or cause to be replaced or uncovered such Traffic Control Device.
(“Temporary Removal of Traffic Control Devices or Other Facilities — Suspension of Regulations” added 4-10-1956 by O-6936 N.S.)

§82.13 Traffic Control Devices: Hours of Operation

The City Manager shall determine the hours and days during which any traffic control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this chapter or by ordinance or resolution.
(“Traffic Control Devices: Hours of Operation” added 4-10-1956 by O-6936 N.S.)

§82.14 Unauthorized Painting of Curbs

No person shall paint or otherwise mark any curb, sidewalk or street surface without first complying with the requirements of this code.
(“Unauthorized Painting of Curbs” added 4-10-1956 by O-6936 N.S.)

§82.15 Authority to Place Turning Markers

The City Manager is authorized to place markers, signs or devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the City Manager is authorized to allocate and indicate more than one lane of traffic from which operators of vehicles may make right or left hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by the Vehicle Code or this Article.

(“Authority to Place Turning Markers” added 4–10–1956 by O–6936 N.S.)

§82.16 Authority to Place and Obedience to Restricted Turn Signs

The City Manager is hereby authorized to determine those intersections at which it shall be unlawful for the operator of any vehicle to make a right, left, or U turn, and shall place appropriate signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours in which event the same shall be plainly indicated on the signs.

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, it shall be unlawful for the operator of any vehicle to disobey the directions of any such sign.

(“Authority to Place and Obedience to Restricted Turn Signs” added 4–10–1956 by O–6936 N.S.)

§82.17 Left Turns Between Intersections

It shall be unlawful for the operator of any vehicle to turn such vehicle to the left, whether for the purpose of entering or leaving a driveway or otherwise, at any place between the intersections and during the times so designated by the City Manager when such places are appropriately signed or marked.

(“Left Turns Between Intersections” added 4–10–1956 by O–6936 N.S.)

§82.18 Signal Controlled Intersections — Right Turns

- (a) No driver of a vehicle shall make a right turn against a red or stop signal at any intersection which is signposted giving notice of such restriction as hereinafter provided in this section.
- (b) The City Manager shall post appropriate signs giving effect to this section at any intersection where he determines that the making of right turns against a traffic “stop” indication would seriously interfere with the safe and orderly flow of traffic.

(“Signal Controlled Intersections — Right Turns” added 4–10–1956 by O–6936 N.S.)

§82.19 One-Way Streets and Alleys

The City Council may by resolution designate any street or alley, or portion thereof as a one-way street or alley. The City Manager shall place and maintain signs giving notice thereof. No such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
(“One-Way Streets and Alleys” added 4-10-1956 by O-6936 N.S.)

§82.20 Authority to Erect Stop Signs

The City Manager may, in accordance with criteria adopted by resolution by the City Council, designate and describe any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop. The City Manager shall erect and maintain Stop signs on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required and at any railroad grade crossing so designated. Every such sign shall conform with and shall be placed as provided in the Vehicle Code.
(Amended 1-2-1968 by O-9741 N.S.)

§82.21 Through Highway and Intersection Stops

Every driver of a vehicle or street car must stop such vehicle or street car before entering or crossing any through highway and before entering or crossing any intersection designated as a stop intersection at any entrance thereto designated as a stop entrance. All such stops shall be made at the prolongation of the property line of such through highway or intersection or at such other place properly marked and designated as a “stop” location; provided, however, that no such stops need be made when traffic is signaled to proceed by any stop and go signal, or by a police officer.
(Renumbered from Sec. 84.06 on 4-10-1956 by O-6936 N.S.)

§82.22 Emerging from Alley or Private Driveway

The operator of any vehicle emerging from an alley, driveway or building, shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any driveway or alley.
(“Through Highway and Intersection Stops” added 4-10-1956 by O-6936 N.S.)

§82.23 Temporary Closure of City Roadways — Permits

Notwithstanding any other provision of this Code, upon a determination that a public or community event, including a block party, sponsored by a non-profit community or civic organization or business improvement organization, town council, recreation council, civic planning group, city-sponsored organization or any similar organization is to take place, a permit may be issued pursuant to Chapter II, Article 2, Division 40 of this Code for the temporary closure of any portion of a roadway maintained by The City of San Diego. The permit may authorize the conduct of activities consistent with the public or community event, and other provisions of this Code pertaining to such activities shall not apply during the time period of the permit. *(Amended 11-18-1997 by O-18439 N.S.)*

§82.24 Operation of Vehicles on Mass Transit Guideways Prohibited

- (a) It shall be unlawful for any person to stop, stand, move or otherwise operate any vehicle, other than a Public Mass Transit Vehicle or any vehicle excepted by Section 81.06 of this Chapter, within a marked and signed Public Mass Transit Guideway.
- (b) The City Manager is authorized to distinctively mark and sign Public Mass Transit Guideways in accordance with the powers delegated to him under Section 82.01(c) of this Chapter.

(“Operation of Vehicles on Mass Transit Guideways Prohibited” added 2-1-1982 by O-15663 N.S.)

§82.25 Interstate Trucking Regulated

The purpose of this section is to establish procedures for terminal designation and truck route designation to terminals for interstate trucks operating off the federally designated highway system. It shall be unlawful for any person to operate an interstate truck upon any street within The City of San Diego outside of an interstate truck service area that has not been designated and marked in accordance with this chapter, unless the vehicle is exempt from the restrictions on interstate trucks pursuant to California Vehicle Code Section 35401.5(c).

(“Interstate Trucking Regulated” added 4-22-1985 by O-16405 N.S.)

§82.25.1 Application

- (a) Any interested person requiring terminal access for interstate trucks from the federally designated highway system shall submit an application, on a form as provided by the City, together with such information as may be required by the City Engineer and appropriate fees to the City of San Diego.
- (b) Upon receipt of the application, the City Engineer will cause an investigation to be made to ascertain whether or not the proposed route is adequate to accommodate interstate trucks. Determination of route capability will include, without limitation, a review of adequate turning radii and lane widths of ramps, intersections and highways and general traffic conditions such as sight distance, speed and traffic volumes. No access off a federally designated highway system will be approved without the approval of CALTRANS.
- (c) Should the requested route pass through the City of San Diego to a terminal located in another jurisdiction, the applicant shall comply with the jurisdiction's application process. City of San Diego route designation approval will be required for those portions of the route located within the City. Costs for trailblazer signs shall be as provided in Section 82.25.2(b) below.

("Application" added 4-22-1985 by O-16405 N.S.)

§82.25.2 Fees and Costs

- (a) The applicant shall pay a non-refundable application fee, as established by the City, sufficient to pay the cost of the review of the terminal designation and the review of the route and alternate route.
- (b) Upon the approval of the terminal designation and route by the City and by CALTRANS, the applicant shall deposit with the City of San Diego sufficient funds as estimated by the City Engineer to pay for the purchase and installation of terminal trailblazer signs. Trailblazer signs will be required at every decision point in the City on the route to the terminal. Upon completion of the installation of the signs, the actual cost shall be computed and any difference between the actual and the estimated cost shall be billed or refunded to the applicant, whichever the case may be. No terminal or route may be used until such signs as may be required are in place. Costs for trailblazer signs may be proportioned in accordance with the procedures in Section 82.25.3(c).

("Fees and Costs" added 4-22-1985 by O-16405 N.S.)

§82.25.3 Retrofitting

- (a) If all feasible routes to a requested terminal are found unsatisfactory by the City Manager, the applicant may request retrofitting the deficiencies. All costs of engineering, construction and inspection will be the responsibility of the applicant. Except when the retrofitting of the deficiencies is within the jurisdiction of CALTRANS, the actual construction will be done by the City or pursuant to a public improvement permit. (Sections 62.0201 et seq. of the San Diego Municipal Code.)
- (b) When the work is to be done by the City, the applicant shall deposit with the City of San Diego the estimated cost of retrofitting. Adjustments between the estimated and actual cost shall be made after completion of the work and any difference between the actual and the estimated cost shall be billed or refunded to the applicant as the case may be. When the work is done by the applicant, the applicant may file with the City Manager, on a form satisfactory to the City Manager, a statement detailing the actual costs of the retrofitting.
- (c) If at any time within five years from the date of completion of the retrofitting by the applicant, should any applicant seek terminal approval which would use the route upon which such retrofitting was accomplished, any such applicants' fee may include that applicants proportionate share of the retrofitting, as determined by the City Manager, which fee shall be disbursed by The City of San Diego to the applicant who paid for the original retrofitting as well as to any applicant who contributed to the cost of retrofitting under this subsection. Nothing herein shall require the payment of a proportionate fee if the applicant doing the work failed to file the applicant's report of costs with the City Manager as described in subsection (b) above.

("Retrofitting" added 4-22-1985 by O-16405 N.S.)

§82.25.4 Revocation of Route

The City Engineer may revoke any approved terminal or route if the terminal or route becomes a traffic safety hazard for vehicular traffic. A safety hazard includes the inability of interstate trucks to negotiate the route or if interstate trucks create unsafe driving conditions for other vehicular traffic or pedestrians.

("Revocation of Route" added 4-22-1985 by O-16405 N.S.)

§82.25.5 Appeals

If the City Engineer denies terminal designation, route feasibility or revokes a previously approved terminal or route, the applicant/terminal owner, within ten working days following the date of receipt of the decision of the City Engineer may appeal the decision in accordance with the procedures in Section 62.0116 of the San Diego Municipal Code.

(Amended 10-1-1990 by O-17534 N.S.)

§82.25.6 Interstate Truck Service Route Designation

The City Engineer may mark and sign proposed service routes as necessary to provide routes for interstate trucks to interstate truck service areas in the vicinity of interstate highways.

(“Interstate Truck Service Route Designation” added 4-22-1985 by O-16405 N.S.)

§82.26 Authority of Police and Fire Department Officials

Officers of the Police Department and such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department or members of the Fire Department may direct traffic as conditions may require, notwithstanding the provisions to the contrary contained in this chapter or the Vehicle Code.

(Renumbered from former Section 81.02 on 8-5-2013 by O-20281 N.S.; effective 9-4-2013.)

§82.27 Traffic Control and Direction

- (a) Except as otherwise provided in this section or by law, it shall be unlawful for any person who is not a police officer or a regularly detailed employee of the City of San Diego to direct vehicular traffic upon a public street within the City of San Diego.
- (b) The City Manager is authorized to issue a traffic control permit to a qualifying organization for the limited purpose of controlling vehicular access to and from private property and the public streets or for controlling vehicular traffic upon a portion of a public street, in furtherance of a lawful activity of the permittee, under the following terms and conditions:
 - (1) The time shall be limited to only such period as shall be necessary to allow orderly ingress and egress; and
 - (2) A traffic circulation plan is developed and approved by the Chief of Police or designate; and
 - (3) Only traffic control personnel who have been trained through an approved program and certified and appointed by the Chief of Police to perform such function are used by the permittee; and

- (4) Traffic control personnel wear a distinctive color vest with reflective markings, lettered with the words "TRAFFIC CONTROL" in minimum 3 inch letters on the front and back, as approved by the Chief of Police, while performing permitted duties; and
 - (5) The permittee maintains public liability insurance in an amount of \$1,000,000 combined single limit during the term of the permit, naming the City of San Diego an additional insured; and
 - (6) The permittee executes an indemnification agreement with the City of San Diego indemnifying, defending and holding harmless the City from any and all claims and liability arising from or during the provision of traffic control services.
- (c) Permits may be issued on an annual or single event basis. The City Manager may promulgate additional rules and regulations governing the application and issuance of the permit. The standards for training and certification of traffic control personnel shall be approved by and through the Chief of Police. The City Manager may suspend or revoke any permit issued for any violation of the conditions of issuance or unsafe practices or conditions arising from the permittee's activity.

This section shall apply to traffic control personnel required for special events subject to Chapter II, Article 2, Division 40 of this Code. The City Manager is authorized to charge a fee as shall be set forth in the City Clerk's Composite Rate Book for the costs of the processing and appointment of traffic controllers and for the administration of this program.

- (d) The failure to obey a lawful order issued by a duly appointed traffic controller shall be punished pursuant to Vehicle Code Section 21100.3 or any successor statute.

(Renumbered from former Section 81.03 on 8-5-2013 by O-20281 N.S.; effective 9-4-2013.)

§82.28 Obedience to Authorized Personnel and Traffic Regulations

- (a) No person shall refuse or fail to comply with any law, any lawful order, signal or direction of a police officer, member of the Fire Department, or person authorized by the Chief of Police.
- (b) No person shall disobey the instruction of any official traffic control device placed in accordance with this chapter or the Vehicle Code unless directed by a police officer, or other authorized person, subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls.

(Renumbered from former Section 81.04 on 8-5-2013 by O-20281 N.S.; effective 9-4-2013.)

§82.29 Authority of Police in Crowds

At places where large numbers of people and vehicles are to gather or have gathered, nothing in this chapter shall be construed to prevent any police officer from prohibiting any person from parking any vehicle upon or using any street or sidewalk, or from prohibiting any pedestrian from using any street or sidewalk, and said police officer shall have authority to direct the parking of vehicles in any reasonable manner, way or direction, and it is hereby declared to be unlawful for any person to fail to promptly obey the said police officer's order, signal or command, regardless of any other provision of this chapter.

(Renumbered from former Section 81.08 on 8-5-2013 by O-20281 N.S.; effective 9-4-2013.)

§82.30 Police Personnel Authorized to Remove Vehicles from Highway

- (a) Any regularly employed and salaried officer or employee of the Police Department of The City of San Diego is hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by The City of San Diego, under the circumstances hereinafter enumerated:
 - (1) When any vehicle has been parked or left standing or stored upon a street or highway for seventy-two (72) or more consecutive hours.

- (2) When any vehicle has been parked or left standing upon a street or highway when the parking or standing of vehicles thereon has been prohibited by ordinance or resolution of the City Council and where signs are posted giving notice of such removal. (3) When any vehicle has been parked or left standing on a street or highway in violation of temporary “No Parking” signs which have been posted on said street or highway pursuant to Section 86.07.
- (b) Any officers removing a vehicle as provided herein shall comply with the procedures set forth in Section 22651 of the California Vehicle Code.

(Renumbered from former Section 81.09 on 8-5-2013 by O-20281 N.S.; effective 9-4-2013.)

§82.31 Removal and Disposal of Abandoned, Etc., Vehicles Not on Highways

- (a) The purpose and intent of the Council in adopting this section is to establish procedures pursuant to Sections 22660 to 22664 of the California Vehicle Code for the abatement, removal and disposal, as public nuisances, of abandoned, wrecked, dismantled or inoperative vehicles or vehicle parts from private or public property, not including highways.
- (b) Any vehicle located on property other than a highway may be removed as a public nuisance and disposed of in accordance with the following procedures:
 - (1) Not less than ten (10) days prior to any removal or disposal of a vehicle, a notice of intention to abate and remove the vehicle as a public nuisance shall be issued unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle. The notice shall contain a statement of the hearing rights of the owner of the vehicle and of the owner of the property on which the vehicle is located. The statement shall include notice to the property owner that he may appear in person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

- (2) Upon request by the owner of the vehicle or the owner of the land on which the vehicle is located, a public hearing shall be held before the City Manager or any other regularly salaried full-time employee of the City whom the City Manager may designate. This request shall be made to the Manager or his designee within ten (10) days after the mailing of the notice of intention to abate and remove the vehicle.
- (3) The owner of the land on which the vehicle is located may appear in person at the hearing. Instead of making an appearance, he may present a sworn written statement, in time for consideration at the hearing, denying responsibility for the presence of the vehicle on the land, with his reasons for his denial. This statement shall be construed as a request for a hearing which does not require the presence of the owner submitting the request. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located or collected from the landowner.
- (4) No person shall reconstruct, make operable, or knowingly operate any vehicle removed under the provisions of this section, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license, pursuant to Section 5004 of the California Vehicle Code, in which case the vehicle may be reconstructed or made operable. Vehicles removed under this program cannot be registered with California Department of Motor Vehicles, and the procedure is to destroy the vehicles. The above addition is designed to allow the City to prosecute a person who seeks to avoid prosecution by reconstructing a vehicle in another jurisdiction, then drives the vehicle in San Diego.
- (5) This section shall not apply to (1) a vehicle which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (2) a vehicle which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard. This exception shall not, however, authorize the maintenance of a public or private nuisance as defined under provisions of law other than this section.

- (6) Vehicle may be disposed of by removal to a scrapyard, automobile dismantler's yard or any suitable site for processing as scrap, or other final disposition consistent with subparagraph (iv) of this paragraph.
- (7) Notice shall be given to the Department of Motor Vehicles within five (5) days after the date of removal identifying the vehicle and any evidence of registration available including, but not limited to, the registration card, certificates of ownership or license plates.
- (8) The cost of removal and disposal of any vehicle and the administrative cost thereof may be charged against the person who is determined to be responsible for the maintenance of the vehicle as a public nuisance.
- (9) Provisions of this section shall be administered by regularly salaried full-time employees of the City except that the removal of vehicles from property may be by any other duly authorized person. Any such authorized person may enter upon private property for the purposes specified in this section to examine a vehicle, and remove or cause to be removed the vehicle declared to be a nuisance pursuant to this section.
- (10) Any licensed dismantler or commercial enterprise acquiring vehicles removed pursuant to this section shall be excused from the reporting requirements of Section 11520 of the California Vehicle Code; and any fees and penalties which would otherwise be due the Department of Motor Vehicles, are hereby waived, provided that a copy of the resolution or order authorizing disposition of the vehicle is retained in the dismantler's or commercial enterprise's business records.

(Renumbered from former Section 81.10 on 8-5-2013 by O-20281 N.S.; effective 9-4-2013.)

§82.32 Police-Initiated Impounds – Compliance with California Vehicle Code

- (a) Persons authorized to remove vehicles, including peace officers, regularly employed and salaried employees of the City who are engaged in directing traffic or enforcing parking laws and regulations, and trained volunteers of the San Diego Police Department who are engaged in directing traffic or enforcing parking laws and regulations, will conduct the removal and impounding of vehicles in accordance with the California Vehicle Code, including the noticing of stored vehicles, and post-storage hearings.
- (b) If any provision of section 86.28, 86.29, 86.30, or 86.31 conflicts with the California Vehicle Code, the California Vehicle Code shall control.

(Renumbered from former Section 86.28 on 8-5-2013 by O-20281 N.S.; effective 9-4-2013.)

§82.33 Police-Initiated Impounds – Notice of Stored Vehicles

- (a) A notice of stored vehicle shall be given to registered and legal owners of record in accordance with California Vehicle Code section 22852, as may be amended from time to time.
- (b) The notice of stored vehicle shall include all of the information required by California Vehicle Code section 22852, including the authority and purpose for the removal of the vehicle, and the right to request a hearing within ten days of the date of the notice.

(Renumbered from former Section 86.29 on 8-5-2013 by O-20281 N.S.; effective 9-4-2013.)

§82.34 Police-Initiated Impounds – Conduct of Post-Storage Hearing

- (a) The City shall provide the registered and legal owners of record, or their agents, with an opportunity for a post-storage hearing, in compliance with California Vehicle Code sections 22650 and 22852, as may be amended from time to time.
- (b) The hearing may be conducted in person or telephonically, at the discretion of the City. Neither party shall be bound by the Rules of Evidence.

(Renumbered from former Section 86.30 on 8-5-2013 by O-20281 N.S.; effective 9-4-2013.)

§82.35 Police-Initiated Impounds – Costs Related to Post-Storage Hearing

- (a) Charges for the post-storage hearing may be imposed in accordance with California Vehicle Code sections 22650 and 22852, as may be amended from time to time.
- (b) In accordance with California Vehicle Code section 22852, the City shall be responsible for the costs incurred for towing and storage if it is determined in the post-storage hearing that reasonable grounds for the storage were not established.

(Renumbered from former Section 86.31 on 8-5-2013 by O-20281 N.S.; effective 9-4-2013.)